



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB4827

Introduced 01/18/06, by Rep. Patrick J Verschoore

#### SYNOPSIS AS INTRODUCED:

20 ILCS 1805/25.1 new

20 ILCS 1825/3

820 ILCS 315/3

from Ch. 129, par. 403

from Ch. 48, par. 283

Amends the Line of Duty Compensation Act. Provides that, if no beneficiary is designated or surviving at the death of an Armed Forces member killed in the line of duty, compensation under the Act shall be paid in the following priority: to the surviving beneficiaries designated in the Armed Forces member's Servicemembers' Group Life Insurance Election and Certificate; in accordance with the Armed Forces member's valid will; or in accordance with the provisions of the Act that apply to other line-of-duty deaths. Contains an applicability provision. Provides that every Illinois National Guard member shall receive in his or her mobilization packet a form to designate beneficiaries under this Act. Requires the Department of Military Affairs to conduct an annual audit to determine whether Illinois National Guard members are receiving the form, that the audit shall include a review of mobilization packets for Illinois National Guard members from all regions of the State, and that the Department of Military Affairs shall report its findings to the Governor, the Lieutenant Governor, and the General Assembly by April 1 of each year. Amends the Military Code of Illinois and the Illinois National Guardsman's Compensation Act to make conforming changes. Effective immediately.

LRB094 16264 WGH 51512 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning certain individuals killed in the line of  
2 duty.

3 **Be it enacted by the People of the State of Illinois,**  
4 **represented in the General Assembly:**

5 Section 5. The Military Code of Illinois is amended by  
6 adding Section 25.1 as follows:

7 (20 ILCS 1805/25.1 new)

8 Sec. 25.1. Line of Duty Compensation Act. The Department of  
9 Military Affairs shall carry out the duties assigned to the  
10 Department under subsection (d-2) of Section 3 of the Line of  
11 Duty Compensation Act.

12 Section 10. The Illinois National Guardsman's Compensation  
13 Act is amended by changing Section 3 as follows:

14 (20 ILCS 1825/3) (from Ch. 129, par. 403)

15 Sec. 3. If a claim therefor is made within one year of the  
16 date of the death of the guardsman, compensation shall be paid  
17 to the person designated by such guardsman killed while on  
18 duty. The amount of compensation shall be equal to the greater  
19 of (i) \$100,000 or (ii) the amount of compensation payable  
20 under Section 3 of the Line of Duty Compensation Act when an  
21 individual to whom that Act applies is killed in the line of  
22 duty. If no beneficiary is designated or surviving at the death  
23 of the guardsman killed while on duty, the compensation shall  
24 be paid as follows:

25 (a) When there is a surviving spouse, the entire sum  
26 shall be paid to the spouse.

27 (b) When there is no surviving spouse, but a surviving  
28 descendant of the decedent, the entire sum shall be paid to  
29 the decedent's descendants per stirpes.

30 (c) When there is neither a surviving spouse nor a

1 surviving descendant, the entire sum shall be paid to the  
2 parents of the decedent in equal parts, allowing to the  
3 surviving parent, if one is dead, the entire sum.

4 (d) When there is no surviving spouse, descendant or  
5 parent of the decedent, but there are surviving brothers or  
6 sisters, or descendants of a brother or sister, who were  
7 receiving their principal support from the decedent at his  
8 death, the entire sum shall be paid, in equal parts, to the  
9 dependent brothers or sisters or dependent descendant of a  
10 brother or sister. Dependency shall be determined by the  
11 Court of Claims based upon the investigation and report of  
12 the Attorney General.

13 When there is no beneficiary designated or surviving at the  
14 death of the guardsman killed while on duty and no surviving  
15 spouse, descendant, parent, dependent brother or sister, or  
16 dependent descendant of a brother or sister, no compensation  
17 shall be payable under this Act.

18 No part of such compensation may be paid to any other  
19 person for any efforts in securing such compensation.

20 If compensation is payable under the Line of Duty  
21 Compensation Act because of the death of a guardsman, the  
22 provisions of that Act shall apply to the payment of that  
23 compensation.

24 (Source: P.A. 93-1047, eff. 10-18-04.)

25 Section 15. The Line of Duty Compensation Act is amended by  
26 changing Section 3 as follows:

27 (820 ILCS 315/3) (from Ch. 48, par. 283)

28 Sec. 3. Duty death benefit.

29 (a) If a claim therefor is made within one year of the date  
30 of death of a law enforcement officer, civil defense worker,  
31 civil air patrol member, paramedic, fireman, chaplain, State  
32 employee, or Armed Forces member killed in the line of duty,  
33 compensation shall be paid to the person designated by the law  
34 enforcement officer, civil defense worker, civil air patrol

1 member, paramedic, fireman, chaplain, State employee, or Armed  
2 Forces member. However, if the Armed Forces member was killed  
3 in the line of duty before October 18, 2004, the claim must be  
4 made within one year of October 18, 2004.

5 (b) The amount of compensation, except for an Armed Forces  
6 member, shall be \$10,000 if the death in the line of duty  
7 occurred prior to January 1, 1974; \$20,000 if such death  
8 occurred after December 31, 1973 and before July 1, 1983;  
9 \$50,000 if such death occurred on or after July 1, 1983 and  
10 before January 1, 1996; \$100,000 if the death occurred on or  
11 after January 1, 1996 and before May 18, 2001; \$118,000 if the  
12 death occurred on or after May 18, 2001 and before July 1,  
13 2002; and \$259,038 if the death occurred on or after July 1,  
14 2002 and before January 1, 2003. For an Armed Forces member  
15 killed in the line of duty (i) at any time before January 1,  
16 2005, the compensation is \$259,038 plus amounts equal to the  
17 increases for 2003 and 2004 determined under subsection (c) and  
18 (ii) on or after January 1, 2005, the compensation is the  
19 amount determined under item (i) plus the applicable increases  
20 for 2005 and thereafter determined under subsection (c).

21 (c) Except as provided in subsection (b), for deaths  
22 occurring on or after January 1, 2003, the death compensation  
23 rate for death in the line of duty occurring in a particular  
24 calendar year shall be the death compensation rate for death  
25 occurring in the previous calendar year (or in the case of  
26 deaths occurring in 2003, the rate in effect on December 31,  
27 2002) increased by a percentage thereof equal to the percentage  
28 increase, if any, in the index known as the Consumer Price  
29 Index for All Urban Consumers: U.S. city average, unadjusted,  
30 for all items, as published by the United States Department of  
31 Labor, Bureau of Labor Statistics, for the 12 months ending  
32 with the month of June of that previous calendar year.

33 (d) If no beneficiary is designated or surviving at the  
34 death of the law enforcement officer, civil defense worker,  
35 civil air patrol member, paramedic, fireman, chaplain, or State  
36 employee, ~~or Armed Forces member~~ killed in the line of duty,

1 the compensation shall be paid as follows:

2 (1) when there is a surviving spouse, the entire sum  
3 shall be paid to the spouse;

4 (2) when there is no surviving spouse, but a surviving  
5 descendant of the decedent, the entire sum shall be paid to  
6 the decedent's descendants per stirpes;

7 (3) when there is neither a surviving spouse nor a  
8 surviving descendant, the entire sum shall be paid to the  
9 parents of the decedent in equal parts, allowing to the  
10 surviving parent, if one is dead, the entire sum; and

11 (4) when there is no surviving spouse, descendant or  
12 parent of the decedent, but there are surviving brothers or  
13 sisters, or descendants of a brother or sister, who were  
14 receiving their principal support from the decedent at his  
15 death, the entire sum shall be paid, in equal parts, to the  
16 dependent brothers or sisters or dependent descendant of a  
17 brother or sister. Dependency shall be determined by the  
18 Court of Claims based upon the investigation and report of  
19 the Attorney General.

20 (d-1) If no beneficiary is designated or surviving at the  
21 death of the Armed Forces member killed in the line of duty,  
22 the compensation shall be paid according to the designation  
23 made on the most recent version of the Armed Forces member's  
24 Servicemembers' Group Life Insurance Election and Certificate.

25 If no Servicemembers' Group Life Insurance Election and  
26 Certificate form exists for the Armed Forces member at the time  
27 of the Armed Forces member's death, the compensation shall be  
28 paid in accordance with a valid will left by the Armed Forces  
29 member.

30 If no Servicemembers' Group Life Insurance Election and  
31 Certificate form exists for the Armed Forces member at the time  
32 of the Armed Forces member's death and the Armed Forces member  
33 did not leave a valid will, the compensation shall be paid  
34 pursuant to subsection (d) of this Section.

35 This subsection (d-1) applies to any pending claim if  
36 compensation was not paid to any party before the effective

1 date of this amendatory Act of the 94th General Assembly.

2 (d-2) Every Illinois National Guard member shall receive in  
3 his or her mobilization packet a form to designate  
4 beneficiaries under this Act. The Department of Military  
5 Affairs shall conduct an annual audit to determine whether  
6 Illinois National Guard members are receiving the form. The  
7 audit shall include a review of mobilization packets for  
8 Illinois National Guard members from all regions of the State.  
9 The Department of Military Affairs shall report its findings to  
10 the Governor, the Lieutenant Governor, and the General Assembly  
11 by April 1 of each year beginning in 2007.

12 (e) When there is no beneficiary designated or surviving at  
13 the death of the law enforcement officer, civil defense worker,  
14 civil air patrol member, paramedic, fireman, chaplain, State  
15 employee, or Armed Forces member killed in the line of duty and  
16 no surviving spouse, descendant, parent, dependent brother or  
17 sister, or dependent descendant of a brother or sister (and, in  
18 the case of an Armed Forces member, there is no other person to  
19 whom compensation is payable in accordance with this Section),  
20 no compensation shall be payable under this Act.

21 (f) No part of such compensation may be paid to any other  
22 person for any efforts in securing such compensation.

23 (g) This amendatory Act of the 93rd General Assembly  
24 applies to claims made on or after October 18, 2004 with  
25 respect to an Armed Forces member killed in the line of duty.

26 (Source: P.A. 92-3, eff. 5-18-01; 92-609, eff. 7-1-02; 93-1047,  
27 eff. 10-18-04; 93-1073, eff. 1-18-05.)

28 Section 99. Effective date. This Act takes effect upon  
29 becoming law.